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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/048,007	01/25/2002	Hiroshi Watanabe	614HC/50888	8101
23911	7590	05/05/2005	EXAMINER	
CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			PAN, YUWEN	
			ART UNIT	PAPER NUMBER
			2682	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/048,007	Applicant(s) WATANABE ET AL.	
	Examiner Yuwen Pan	Art Unit 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed 2/18/05 have been fully considered but they are not persuasive. The applicant argues that the prior art of record, Ponce de Leon et al reference is not entitled to the claimed provisional application filing date in which the domestic priority of provisional application serial No. 60/185,923, filed February 29, 2000 under 35 U.S.C. 111(b) (1) because "the provisional application does not comply with Section 112, first paragraph, and does not have a drawing, the Ponce de Leon et al. patent is not entitled to the benefit of the provisional filing date." The examiner respectfully disagrees because under 37 CFR 1.51(c)(3)

(c) A complete provisional application filed under § 1.53(c) comprises:

- (1) A cover sheet identifying:
 - (i) The application as a provisional application,
 - (ii) The name or names of the inventor or inventors, (see § 1.41(a)(2)),
 - (iii) The residence of each named inventor,
 - (iv) The title of the invention,
 - (v) The name and registration number of the attorney or agent (if applicable),
 - (vi) The docket number used by the person filing the application to identify the application (if applicable),
 - (vii) The correspondence address, and
 - (viii) The name of the U.S. Government agency and Government contract number (if the invention was made by an agency of the U.S. Government or under a contract with an agency of the U.S. Government);
 - (2) A specification as prescribed by the first paragraph of 35 U.S.C. 112 see § 1.71;
 - (3) Drawings, when necessary, see §§ 1.81 to 1.85; and
 - (4) The prescribed filing fee, see § 1.16.
- (d) Applicants are encouraged to file an information disclosure statement in nonprovisional applications. See § 1.97 and § 1.98. No information disclosure statement may be filed in a provisional application.

a drawing is needed when it is necessary. In other word, a provisional application filed without a drawing still complies with the provisional application filing rules. Therefore, Ponce de Leon et al reference is entitled to the claimed provisional application filing date.

Response to Amendment

2. The affidavit filed on 2/18/05 under 37 CFR 1.131 has been considered but is ineffective to overcome the Ponce de Leon et al reference.

3. The evidence submitted is insufficient to establish applicant's alleged actual reduction to practice of the invention in this country or a NAFTA or WTO member country after the effective date of the Ponce de Leon et al reference. The actually effective filing day of Ponce de Leon et al reference is February 29, 2000.

In conclusion, the rejection over Ponce de Leon et al reference stands.

DETAILED ACTION

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Ponce de Leon et al (US006211791B1), hereinafter Ponce.

Per claim 1, Ponce discloses a communication system for working machines, said system comprising:

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Controllers (see figure 1 and item 32) arranged on said working machine, respectively, for transmitting predetermined information from said respective working machines (see column 10-19),

A controller station (see figure 2 and item 84) arranged at a remote location and connected to said controllers via a radio communication means such that said predetermined information outputted from each of said controllers is inputted in said control station (see column 3 and lines 34-40, column 4 and lines 6-21), and

A plurality of user stations (see figure 2 and items 10s) connected to said control station via network, characterized in that:

Said working machines are each provided with a transmission instructing means for instructing transmission of the corresponding predetermined information (see column 3 and lines 1-9); and

Said control station is provided with an identification means for identifying said inputted information the corresponding one of said user stations, to which said information is to be transmitted, and also with a transmission means for transmitting information, which corresponds to said inputted information, to said corresponding user station identified by said identification means (see column 4 and lines 6-51).

Per claim 2, Ponce further teaches that said predetermined information from each of said working machines includes identification information specific to said working machine (see column 4 and lines 51-column 5 and line 12).

Per claim 3, Ponce further teaches that with respect to all the working machines from which information are sent, said identification information on said individual working machines

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are stored corresponding to administration centers of said working machines in a working machine database arranged at said control station (see column 4 and lines 15-21).

Per claim 4, Ponce further teaches that said administration centers are each specified by said identification means on a basis of the corresponding identification information stored in said working machine database (see column 3 and lines 17-19, lines 31-38).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5- 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ponce de Leon et al (US006211791B1) in view of Caci (US006154658A).

Per claim 7 and 8, Ponce teaches an analogous system as recited in claim 1. Ponce doesn't teach that said working machines are each provided with a position detecting for detecting a current location of said working machine, and said predetermined information includes information on said location and said information on said location is included in said information transmitted from said control station.

Caci teaches that said working machines are each provided with a position detecting for detecting a current location of said working machine, and said predetermined information includes information on said location and said information on said location is included in said

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information transmitted from said control station (see column 6 and lines 1-34, column 8 and lines 7-20).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Caci with Ponce such that the central operator would be able to maintain the position of the working machine, such as ambulance, where is in a remote location. Per claim 5 and 6, Caci further teach that said control station has a customer database with transmission texts stored corresponding to said administration centers, and is provided with a selection means for selecting one of said transmission text corresponding to said specified administration center, from said customer database, said specified administration center can rewrite, from the corresponding user station, at least said one transmission text in information stored in said customer data base (see figure 1, column 7 and line 52-column 8 and lines 6).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 571-272-7855. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yuwen Pan
April 29, 2005


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
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